

## Message Text

UNCLASSIFIED

PAGE 01 USUN N 04173 250149Z

62

ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 AF-10 ARA-16 EA-11 EUR-25 NEA-10

CPR-02 SY-10 A-01 DRC-01 /197 W  
----- 070239

R 250117Z OCT 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 464

UNCLAS USUN 4173

E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. SANCHEZ GAVITO (MEXICO), SPEAKING ON BEHALF COSPONSORS OF PROPOSED NEW ARTICLE (TRANSMITTED USUN 3963) IN SIXTH COMMITTEE OCT 24, EXPLAINED REACH OF PROVISION CONFINED TO PARTIES OF ASYLUM TREATIES AND ASSURED COMMITTEE THAT

NON-PARTY STATES COULD NOT USE IT AS ESCAPE CLAUSE. MEXICAN REP ENTREATED DELEGATES NOT TO USE SILENCE IN HAUGE AND MONTREAL CONVENTIONS ON ASYLUM MATTER AS PRECEDENT FOR PURPOSE PRESENT CONVENTION.

2. HOPEFUL OF COOPERATION FROM SIXTH COMITE ON LA REGIONAL CONCERN, SAHCHEZ GAVITO EXPRESSED BELIEFT THAT COMPROMISE ON POSITION POSSIBLE. SANCHEZ GAVITO EMPHASIZED ASYLUM TREATIES HAVE NEVER BEEN USED TO PROTECT THOSE WHO WOULD BE CONSIDERED CRIMINALS UNDER CONVENTION ON PROTECTION OF DIPLOMATS.

3. DECISION ON ITEM SUSPENDED TEMPORARILY TO PERMIT LATIN AMERICAN COSPONSORS TO CONDUCT CONSULTATIONS.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 04173 250149Z

4. DISCUSSION ON ARTICLE 12 THEN RESUMED. US AMENDMENTS,

SUBMITTED PER USUN 4155, CONTAINED A/C.6/L.938, WAS CIRCULATED.

5. DELS THAT AGREED ON VIEW THAT SOME MECHANISM OF ARBITRATION OR CONCILIATION IN CONVENTION DESIRABLE (IMPLICITLY OPPOSING USSR AND CZECH AMENDMENTS TO DELETE ARTICLE 12) WERE JAPAN, FINLAND, DENMARK, FRG, MEXICO, COLOMBIA, SWITZERLAND, TURKEY AND PAKISTAN (LATTER TWO DELS EXPLICITLY OPPOSED SOVIET AND CZECH AMENDMENTS).

6. FAVORING SOVIET AND CZECH AMENDMENTS BECAUSE IT WOULD LEAVE STATES WITH FLEXIBILITY TO DECIDE UPON APPROPRIATE DISPUTE-SETTLEMENT PROCEDURE WERE GDR, UKRAINE, BULGARIA (NOTING THAT UN ARTICLE 33 BEST GUIDE TO SETTLING DISPUTES).

7. FOLLOWING SUPPORTED ALTERNATIVE B OF ARTICLE 12, PATTERNED AFTHET HAGUE AND MONTREAL FORMULA: JAPAN (US AMENDMENT IN LINE WITH ALTERNATIVE B BUT WEAKENS IT), DENMARK, PAKISTAN, FRG, GREECE (SIMPLER FORMULA), MEXICO, TURKEY, SWITZERLAND (BUT REGRETS CLAUSE INSERTED IN PARA 3 TO PERMIT RESERVATIONS), BELGIUM, YUGOSLAVIA, AUSTRALIA.

8. ROMANIA FAVORED ALTERNATIVE A WITH FOLLOWING CHANGES: DELETION OF PARA 3, ADDITION TO PARA 5 "WITH ALL MEMBERS PRESENT", AND EXCLUSION FROM PARA 6 PROVISION TO PREPARE REPORT ON PROCEEDINGS.

9. DELEGATION ACTIVELY SUPPORTING US AMENDMENT AS GOOD COMPROMISE TEXT WERE: FINLAND, COLOMBIA (MOST EFFECTIVE FORMULA), SWITZERLAND (STRENGTHENS MECHANISM WHILE FILLING GAP BY PROVIDING THIRD PARTY SETTLEMENT), AND TUNISIA (WITH AMENDMENTS REPORTED BELOW).

10. DELS COMMENTING FAVORABLY AND EXPRESSING WILLINGNESS TO GO ALONG WITH US AMENDMENT IF MAJORITY SO INCLINED WERE: JAPAN, DENMARK AND PAKISTAN.

11. FRG, TURKEY, BELGIUM, YUGOSLAVIA, AUSTRALIA, MEXICO AND FRANCE ALSO COMMENTED FAVORABLY ON US AMENDMENT AND PROMISED TO STUDY IT FURTHER (FRANCE, HOWEVER, RESERVING UNCLASSIFIED

UNCLASSIFIED

PAGE 03 USUN N 04173 250149Z

POSITION AND PROMISING TO SEEK INSTRUCTIONS).

12. US REP REQUESTED VIEWS ON TUNISIAN SUGGESTION THAT "OR CONCILIATION" BE ADDED TO ARTICLE 13 PROPOSED BY AS ADDITIONAL METHOD TO BE USED PRIOR TO SEEKING ARBITRATION. US REP ALSO SAID THAT IRAQI AND TUNISIAN PROPOSAL TO ENTRUST PRESIDENT OF INTERNATIONAL COURT OF JUSTICE WITH TASK OF NOMINATING CHAIRMAN OF CONCILIATION COMMISSION (RATHER THAN

UN SYG AS IN ALTERNATIVE A, PARA 1) WOULD BE ACCEPTABLE.

13. DISCUSSION ON ARTICLE 12 TO CONTINUE OCT 25.  
CHAIRMAN ANNOUNCED GROUP APPOINTED TO PRODUCE FIRST DRAFT  
OF PREAMBLE OF CONVENTION TO MEET AFTERNOON OCT 24.  
GROUP CONSISTS OF AUSTRIA, URUGUAY, GHANA, COLOMBIA,  
POLAND, INDIA AND CHAIRMAN. FYI: WE HAVE PASSED IDEAS ON  
PREAMBLE CONTAINED IN POSITION PAPER TO AUSTRIA AND INDIA.  
END FYI.

14. COMMENT: ON WHOLE, US PROPOSAL ON DISPUTE SETTLEMENT  
IS RECEIVING MORE FAVORABLE COMMENTS AND SUPPORT FROM WIDER  
QUARTERS THAN WE HAD ANTICIPATED WOULD BE THE CASE.  
SCALI

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, POLICE PROTECTION RIGHTS, COMMITTEE MEETINGS, MEETING VOTING RECORDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 OCT 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973USUNN04173  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731011/aaaaahqs.tel  
**Line Count:** 129  
**Locator:** TEXT ON-LINE  
**Office:** ACTION L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** shawdg  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 DEC 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05-Dec-2001 by bryansd0>; APPROVED <07 FEB 2002 by shawdg>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS  
**TAGS:** PINS, UNGA  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005